ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of	)	
	)	
Amendment of the Commission's	)	GEN Docket No. 90-314
Rules to Establish New Personal	)	
Communications Services	)	RM-7140, RM-7175, RM-7618

RESPONSE TO PETITIONS FOR RECONSIDERATION

UTAM, Inc., by its attorneys, hereby submits its response to various issues raised on reconsideration of the Commission's Second Report and Order[1] in the above-captioned proceeding.[2] UTAM has reviewed the numerous petitions filed in this docket and believes that a few minor changes or clarifications to the rules governing unlicensed devices would be appropriate. As shown below, such actions will facilitate the deployment of a broad range of unlicensed PCS systems and technologies in the public interest.

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[1] Second Report and Order, GEN Docket No. 90-314 (September 23, 1993) ("Second Report and Order").

[2] UTAM's Response addresses matters presented in Petitions filed by the following entities in the above-captioned docket on December 8, 1993: Alcatel Network Systems, Inc. (Alcatel); American Personal Communications (APC); The American Petroleum Institute (API); Ameritech; Telecommunications Industry Association (Fixed Point-to-Point Communication Section of the Network Equipment Division) (TIA); Telocator, The Personal Communications Industry Association (Telocator); and Utilities Telecommunications Council (UTC).

I. INTRODUCTION AND SUMMARY

On December 8, 1993, UTAM sought limited clarification of the Second Report and Order with respect to (1) the location verification requirements for installations of coordinatable devices; and (2) the Commission's role in classifying devices as coordinatable. The submissions of other parties underscore the need for favorable action on UTAM's request. The petition of UTC, in particular, emphasizes the importance of ensuring that the FCC assumes ultimate responsibility for determining whether an unlicensed device or system is coordinatable as part of the equipment authorization process.

UTAM will be providing a detailed review of its proposed coordination procedures for public comment as part of its financing and band clearing plan to be filed with the FCC. UTAM will be responsible for verifying the location of equipment installations consistent with policies and procedures set forth in the plan and notifying the Commission of any non-compliance by manufacturers or end users. However, ultimate enforcement of the rules regarding unauthorized operation of unlicensed devices will remain with the FCC notwithstanding UTC's suggestion to the contrary.

The petitions reveal a general consensus that the Commission's interference methodologies should be revised to incorporate TIA's Bulletin 10-F when the latter is adopted

and to formally accept standard industry practices for interference determinations. There is also general agreement that the requirement for determination of microwave antenna locations to an accuracy of plus or minus five meters is unnecessarily precise and should likewise be reconsidered. Accordingly, these widely supported modifications should be accepted by the Commission.

II. THE UNLICENSED PCS COORDINATION REQUIREMENTS SHOULD ULTIMATELY BE ENFORCED BY THE COMMISSION AND SHOULD NOT INVARIABLY REQUIRE THE INCORPORATION OF TECHNOLOGICAL LOCATION VERIFICATION MECHANISMS INTO UNLICENSED SYSTEMS AND DEVICES

UTAM and UTC agree that whether or not a particular unlicensed system or device is coordinatable under the rules is an issue to be raised by interested parties and considered by the Commission in the equipment authorization process.[3] This threshold determination is separate and distinct from UTAM's general responsibility for implementing the coordination procedures required by the rules. Those procedures will be detailed in UTAM's financing and relocation plan, which will be submitted to the agency and subject to public comment.

UTAM certainly has an essential role to play in the coordination process for the unlicensed PCS market. As suggested in its Petition for Clarification, UTAM will:

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[3] UTAM Petition at 6-7; UTC Petition at 13-14.

(1) coordinate systems and devices deemed deployable by the Commission; (2) inform the Commission when a system or device submitted for coordination lacks the requisite equipment authorization or is, in fact, not coordinatable; and (3) assist in the resolution of any interference complaints post-coordination.[4]

Nonetheless, the Commission must determine whether or not a manufacturer has demonstrated in the authorization process that its system or device is coordinatable. Similarly, the Commission must have ultimate authority to enforce the rules and sanction rule violators. UTAM cannot assume those basic regulatory responsibilities.

As further explained in UTAM's Petition, a requirement to incorporate technological means for verification of installation location into each unlicensed PCS system or device is unnecessary and contrary to the goals of PCS deployment.[5] The record demonstrates that there are adequate methods for preventing the unauthorized installation of a PCS device without requiring such a mechanism.[6] Although some devices will no doubt incorporate a technical solution for

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[4] UTAM Petition at 7.

[5] Id. at 4-6; cf. UTC Petition at 14.

[6] These include: verification prior to activation via an 800 call-in number; a call-in/call-back procedure; use of licensed installers; and geo-positioning capabilities. UTAM White Paper on Early PCS Deployment, GEN Docket No. 90-314 at 4-5 (filed on September 14, 1993).

this requirement, other devices will use different methods because of system design or other factors. The Commission should not prevent the marketing of innovative products when relocation and installation requirements established by the FCC can be met through alternative means.[7]

Mandating a built in capability would severely and unnecessarily limit the types of devices and systems that can be coordinated using existing technology. The costs and/or technical limitations of compliance would preclude many types of devices and uses. As a result, the numbers and varieties of unlicensed PCS devices and systems eligible for early deployment would be severely restricted. This would, in turn, limit the funds that can be raised by UTAM to finance the relocation of microwave incumbents.

The same consequences would result were the Commission to adopt an excessively restrictive definition of "coordinatable PCS device."[8] UTAM does not agree with UTC that the definition now in the rules is insufficiently precise. Indeed, UTAM intentionally did not seek to define the requirements for coordinatable devices in greater detail out of a concern that the goal of encouraging as yet undiscovered

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[7] See UTAM Petition at 4-6.

[8] Cf. UTC Petition at 12-13.

uses of the PCS band would be frustrated.[9] The existing definition provides sufficient functional specificity to ensure that harmful interference to microwave systems can be avoided without unduly constraining innovation in equipment design and applications.

Finally, UTAM is uncertain how to interpret UTC's request that the FCC hold UTAM "fully responsible" for verifying PCS equipment installations and relocations.[10] UTAM does not object if UTC is simply seeking assurance that UTAM will faithfully perform its coordination functions under the rules and the plan approved by the Commission. However, no greater obligation or responsibility should attach to UTAM.

III. THE PETITIONS REVEAL A CONSENSUS THAT THE TIA INTERFERENCE CALCULATION METHODOLOGY CURRENTLY UNDER DEVELOPMENT SHOULD BE APPLIED TO PCS

The Commission has not specified any particular methodology for UTAM to utilize in coordinating the deployment of unlicensed PCS systems and devices. UTAM will be addressing this issue in its financing and relocation plan and expects to rely on accepted industry practices in

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[9] See FCC Report and Recommendations of the Unlicensed PCS Ad Hoc Committee for 2 GHz Microwave Transition and Management, GEN Docket 90-314 at 19 (filed on May 14, 1993).

[10] UTC Petition at 14.

determining acceptable interference levels. Consistent with this approach, numerous petitioners, including Alcatel, API, Ameritech, TIA, and Telocator, urge the Commission to adopt TIA's Bulletin 10-F, which is now being developed, in place of Appendix D for interference calculations for licensed PCS.[11] UTAM agrees that Bulletin 10-F will provide preferable methodologies for interference calculations for both licensed and unlicensed PCS and that this industry-consensus document should therefore be strongly endorsed by the Commission.

TIA's Bulletin 10-F is being developed by a broad range of industry participants, including microwave and PCS equipment manufacturers and service providers. Significant participation by microwave users will insure that the standards fully protect them from harmful interference. Because of the resources the association can commit to this endeavor, the TIA standards will be more specific and accurate that those of the Appendix D, particularly with respect to the effects of urban clutter on signal propagation.[12] This will provide a more realistic picture of the interference potential of PCS systems and devices and will

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[11] Alcatel Petition at 2-7; Ameritech Petition at 2-3; TIA Petition at 3-11; Telocator Petition at 10-13.

[12] Ameritech Petition at 3.

likely permit greater numbers of deployments while still fully protecting incumbent microwave systems.

IV. SECTION 99.53(e) OF THE RULES SHOULD BE MODIFIED TO REMOVE AN UNWORKABLE AND UNNECESSARY REGULATORY REQUIREMENT

UTAM supports the recommendations of APC and Telocator that the Commission revise Section 99.53(e) to require that the location of a microwave antenna be determined to the nearest second in latitude and longitude.[13] That section currently states that the location of the antenna must be determined to an accuracy of no less than plus or minus five meters. However, this degree of accuracy is not necessary for interference calculations or other purposes. Moreover, such information is not generally available from published sources. As a result, requiring the use of these figures would be excessively burdensome without providing concomitant public benefit. UTAM therefore urges the Commission to reconsider Section 99.53(e) of the Rules as requested by APC and Telocator because the determination of antenna location to the nearest second is sufficient for all relevant purposes.

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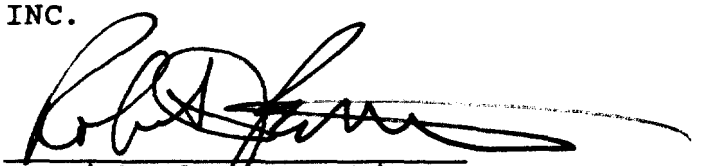
[13] APC Petition at 10; Telocator Petition at 15-16.

V. CONCLUSION

UTAM commends the Commission on its efforts to bring the benefits of PCS to the public and urges prompt, favorable action on the recommendations discussed above to further that goal. Specifically, the Commission should: (1) clarify that the unlicensed PCS coordination requirements should ultimately be enforced by the FCC and should not invariably require the incorporation of technological location verification mechanisms into unlicensed systems and devices; (2) adopt TIA's Bulletin 10-F as the industry standard methodology for calculating PCS-to-Microwave interference; and (3) modify Section 99.53(e) of the Rules to require antenna location to be determined only to the nearest second.

Respectfully submitted,

UTAM INC.

By: 

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December 30, 1993

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of December, 1993, I caused copies of the foregoing "Response to Petitions for Reconsideration" to be mailed via first-class postage prepaid mail to the following:

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